

ENVIRONMENT

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INFORMATION -

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BACKGROUNDER

AMENDMENT TO REGULATION 309: MUNICIPAL WASTE INCINERATION IN ONTARIO

OVERVIEW

- On September 11, 1992, Environment Minister Ruth Grier released a regulation to amend Regulation 309 of the *Environmental Protection Act* which gives legal force to the ministry's policy on municipal waste incineration announced in April, 1991.

KEY DEFINITIONS

- Municipal Waste** - all waste, except hazardous, gaseous, and liquid industrial waste as defined in Regulation 309 of the *Environmental Protection Act*.
- Municipal Waste Incinerator Site** - a waste disposal site which accepts municipal waste for incineration.
- Woodwaste** - waste wood and wood products, including tree trunks, branches, leaves, and brush. The material must be free of hardware, fittings or attachments, unless they are made of wood or cellulose, and not contaminated with wood preservatives such as chromated or ammoniacal copper arsenate, pentachlorophenol, or creosote.



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- **Woodwaste Combustor** - a waste disposal site where woodwaste is incinerated or entirely used as a fuel or fuel supplement in an incinerator.
- **Waste-Derived Fuel (WDF)** - either one or any combination of the following: a liquid industrial waste, a waste that comes under the small quantity exemption for liquid industrial waste, a hazardous waste, a waste that comes under the small quantity exemption for hazardous waste. It must have a quality as fuel not worse than commercially available low-grade fuel, and it must meet specific fuel quality requirements (described later). The waste must be located at or destined for a waste-derived fuel site where it will be wholly used as a fuel or fuel supplement in a combustion unit. Approximately 75 per cent of potential WDF is used oil.
- **Waste-Derived Fuel Site** - a waste disposal site where waste-derived fuel is used as a fuel or fuel supplement in an incinerator used for functions other than waste management. The site may include blending or bulking facilities, but may not include facilities for the treatment or processing of waste-derived fuel generated off the site.

THE BAN ON MUNICIPAL WASTE INCINERATION AND ITS APPLICATION

- **New Municipal Waste Incinerators** - No new municipal waste incinerator may be built or operated in Ontario with the exception of waste-specific incinerators discussed later.
- **Currently Approved & Operating Municipal Waste Incinerators** - municipal waste incinerators that received or were not required to have an approval under the *Environmental Assessment Act* or Part V of the *Environmental Protection Act* on or before the day this regulation takes effect may continue to operate. If a currently approved or operational municipal incinerator is in operation less than thirty days of the year immediately following the day this amendment takes effect, operation of the incinerator would no longer be allowed.
- **Waste-Specific Incinerators** - municipal waste incinerators which burn only the following waste materials, classified as municipal waste, may continue to be established and operated in the province:
 - a) Woodwaste (see Woodwaste Combustors);
 - b) Sewage sludge, from a works under the *Ontario Water Resources Act* where the

operation i) is owned by the municipality, ii) is owned by the Crown through an agreement with the municipality under the *Ontario Water Resources Act*, or iii) receives only waste similar in character to the domestic sewage from a household;

- c) Paper mill sludge;
- d) Pulp mill sludge;
- e) Paper deinking sludge;
- f) A waste that comes under the small quantity exemption for liquid industrial waste as described in Regulation 309: less than 25 litres/month accumulated or produced.
- g) A waste that comes under the small quantity exemption for hazardous waste as described in Regulation 309.
- h) animal carcasses which are not pathological waste.

WOODWASTE COMBUSTORS

- **Certificate of Approval** - required under Section 27 of the *Environmental Protection Act* if greater than 500 cubic metres of woodwaste is stored on the site at any time, more than 100 tonnes of woodwaste is incinerated at the site on any day, or woodwaste is stored at the site for more than 6 months.
- **Hearings** - required under Section 30(1) of the *Environmental Protection Act* if more than 100 tonnes of woodwaste is incinerated at the site on any day, without heat recovery, or if more than 600 tonnes of woodwaste is incinerated with heat recovery.
- **Residential Woodwaste Combustors** - heating of a residential building by a woodwaste combustor does not require a Certificate of Approval under section 27 of the *Environmental Protection Act*, provided that not more than 50 cubic metres of woodwaste is stored at the site.

WASTE-DERIVED FUEL (WDF) SITES

- **WDF Quality Requirements** - concentration of contaminants in a WDF may not exceed the following limits:
 - Arsenic - 5 mg/kg.
 - Cadmium - 2 mg/kg.
 - Chromium - 10 mg/kg.
 - Lead - 50 mg/kg;

PCBs - 2 mg/kg.

Total Halogens - 1500 mg/kg.

The flash point of the WDF must exceed 38° C as determined by specific testing methods, or by an equivalent test method approved by the Director. If the waste exceeds these limits or does not achieve the required flash point, it is no longer a Waste-Derived Fuel and must be managed as a liquid industrial or hazardous waste.

- Diluting non-WDF with other wastes or materials to meet the WDF criteria is prohibited at the WDF site. Elsewhere, a Part V Certificate of Approval would be required for mixing of WDF.
- **Certificate of Approval** - required for new facilities under section 27 of the *Environmental Protection Act* if more than 10 tonnes of waste-derived fuel per day are incinerated or if the WDF is generated off site. Existing facilities operating before this regulation takes effect, and which did not require Part V approval are exempt from the C of A requirement. However, if such a site is in operation less than thirty days during the 12 months immediately following the day this regulation takes effect, the exemption lapses and the operation must follow the criteria established in the new regulation.
- **Approval** - Is required under the Environmental Assessment Act if more than 10 tonnes of waste-derived fuel is used at the site on any day.

REVIEW & PHASE-OUT OF EXISTING MUNICIPAL WASTE INCINERATORS

- **Existing Municipal Waste Incinerators** - The six existing municipal waste incinerators have been reviewed. One of the six existing incinerators is shut down and is not expected to be operated again. The amendment to Regulation 309 of the *Environmental Protection Act* requires incinerators to be operational at least thirty days during the year immediately following the day this provision takes effect. The other five municipal waste incinerators are being required by the ministry to comply with upgrades to existing requirements. This will also require that new or amended applications for Certificates of Approvals be submitted to the ministry for review.
- **Hospital Incinerators Burning Municipal Waste** - Hospitals using incinerators to burn municipal waste have been asked to voluntarily shut-down by the end of 1992.

The regulation does not affect the incineration of biomedical waste. (*A Strategy for the Development of New Biomedical Waste Management Facilities in Ontario* was released for a 60-day public comment period on June 3, 1992).

- **School Incinerators** - A voluntary shut-down by the end of 1992 of garbage incinerators in schools is being requested.

**For More Information on
Incineration Contact:**

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**Copies of the
Amendment to Regulation 309:
Incineration may be Ordered
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